

# **Annual Report of the State Advisory Committee on the Education of Students with Disabilities FY 2009-2010**



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## **Acknowledgements**

The State Advisory Committee would like to thank the following individuals from the Department of Education: Santina Thibedeau for her report on the use of seclusion and restraints, Santina Thibedeau and Ruth Littlefield for their presentation and interpretation of the Annual Performance Report Indicators and to Terry Stafford for meeting preparations and minutes. We would also like to thank Maureen Tracey and Brian Balke, SAC members, for her help in coordinating the PBIS and RTI presentations this year.

## **Purpose**

### **Legislative Mandate**

Pursuant to RSA 186-C:3-b, the purpose of this report is to inform the Commissioner of Education, Governor and General Court on issues related to the education of children with disabilities in New Hampshire.

The State Advisory Committee's responsibilities include the following:

- Advise the New Hampshire Department of Education regarding unmet needs within the state related to the education of children/students with disabilities.
- Provide an annual report to the Governor and the State Legislature on the status of education of children with disabilities in New Hampshire.
- Comment publicly on the state plan and rules and regulations proposed for issuance by the state regarding the education of children with disabilities.

- Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under 20 U.S.C. section 1418 of the Individuals with Disabilities Act.
- Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports.
- Advise the Department of Education in developing and implementing policies relating to the coordination of services for children/students with disabilities.

### **Composition**

Openings on the State Advisory Committee (SAC) occur each year as members resign or move. Individuals interested in being nominated for membership on the State Advisory Committee should contact the N.H. Department of Education or the Chairperson of the State Advisory Committee. Members must fit into one of the legislatively mandated categories for membership; if they do not, or if there are no current vacancies in the appropriate category, individuals may wish to work with the subcommittees as an ad hoc member.

The committee is composed of representatives from the following groups/organizations/agencies:

- Individuals with disabilities or parents of children with disabilities
- Two members of the house education committee
- Two members of the senate education committee

- One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities
- One state education official, appointed by the governor.
- One local educational official, who shall be an administrator
- Two teachers, one of whom shall be a special education teacher
- One representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services
- One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center
- One representative of the Parent Information Center, recommended by the Parent Information Center
- Two individuals with disabilities who may have received special education services, one of whom may be a high school student
- One administrator of a public special education program
- One representative of an institution of higher education that prepares special education and related services personnel
- One representative of a private school approved for special education

- One representative of a chartered public school
- One individual representing children with disabilities who are home-schooled
- One representative from the department of corrections, and one representative from a county correctional facility, both of whom are responsible for administering the provision of special education or special education and related services
- A state and a local educational official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq,
- A representative from the department of health and human services responsible for foster care, recommended by the commissioner of the department of health and human services

A simple majority of the committee members shall be individuals with disabilities or parents of children/students with disabilities. Members are appointed to staggered 2-year terms. A list of members who were appointed to serve during the 2009 – 2010 period may be found at the end of this report. A Chairperson is selected by a majority of the membership annually. Patricia Swonger served as the Chairperson for the 2009-2010 session. At the June 2010 meeting, Rebecca Ladd was voted in as Chairperson.

## **Meetings**

The committee holds regular monthly meetings from September through June at the New Hampshire Department of Education to share information, discuss concerns, review committee reports, and

make recommendations for further action. (reference page 2, legislative mandate) Such action may take several forms: further study and research; discussion; requests for additional data from the New Hampshire Department of Education or other state departments, agencies, and organizations; written communication to the State Board of Education or the Commissioner of Education; or public comment on issues of concern to the committee. Meetings are open to the public. Minutes are prepared after each meeting and are distributed via e-mail to committee members as well as being posted on the Department web site. Hard copies of minutes are available at the following monthly meeting.

## **Organization**

The State Advisory Committee utilizes subcommittees to study and report on specific issues identified by the committee. Committee members self-select the subcommittee(s) they wish to serve on based on their interests, expertise and concerns. The New Hampshire Department of Education provides staff to clarify the department's procedures; explain programs and/or initiatives; provide technical assistance, administrative support, statistical data, and other background information. During the period covered by this report the following subcommittees were in operation:

### **Membership Subcommittee:**

Trisha Swonger, Chair  
Donna Curtin  
Caithlin Daley-Meinhardt

### **Legislative Subcommittee:**

Dick Cohen, chair

### **FAPE/LRE Subcommittee:**

Frank Sgambati, Chair  
Janice Wiers  
Dick Cohen  
Angela Keef

Maureen Tracey  
Anne Wilkinson

**Parent Involvement Subcommittee:**

Michelle Lewis  
Angela O'Connor  
Audrey Burke

**Learning Differences Subcommittee:**

Ben Kilham, Chair  
Susan Frenette  
Brian Balke

**Complaints Fact Finding Subcommittee**

Ryan Fairchild, Chair  
Rebecca Ladd

**Autism Council Liaison:**

Brian Balke

**HB 661 Liason:**

Sue Frenette

**Program Evaluation Contract Committee:**

Rebecca Ladd, Chair  
Cheryl Paquette  
Linda Hunt  
Dick Cohen

**Actions and Issues**

During the period of September 2009 through June 2010, the State Advisory Committee was involved in a number of activities, which are outlined on the following pages.



In September 2009 the State Advisory Committee held its annual planning retreat in Concord, NH. At that time, the committee was updated on activities over the summer months, including a report from the chair about information received while in attendance at the OSEP Leadership Conference in Washington, D.C.. The Committee's policies and procedures were reviewed. The committee also reviewed and edited the draft copy of the 2008-2009 annual report in preparation for the final copy to be submitted to the Commissioner of Education, the Governor, and the legislature.

During the second half of the retreat, the committee reviewed its current subcommittees and discussed focus areas for the coming year. From this discussion subcommittees (listed above) for the current year were formed and a list of possible presentations to inform the SAC regarding particular topics of interest was created.

Following is a list of presentations to the SAC for 2009-2010 and the actions and findings of the subcommittees.

## **Collaborative Activities with the Department of Education:**

During the 2009-2010 year the committee heard presentations on the following topics:

### October 2009

HB 766 – Dick Cohen

### November 2009

Seclusion/Restraint/Out of School Suspension and Expulsion –  
Karen Rosenberg

### December 2009

Seclusion/Restraint/Out of School Suspension and Expulsion  
(continuation) – Santana Thibedeau

PBIS – Howard Muscotte, Joanne Malloy

### January 2010

RTI – Brian Balke, Sandy Plocharzyk

### February 2010

APR Indicators Overview– Santana Thibedeau

Indicator #1 – Percent of youth with IEP's graduating from High School with a regular diploma compared to all youth in the state graduating with a regular diploma

Indicator #2 – Percent of youth with IEPs dropping out of High School compared to the percent of all youth in the state dropping out of High School.

Indicator #3 – Participation and performance of children with disabilities on statewide assessments.

Indicator #4 – Rates of suspension and expulsion.

Indicator #5 – Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day
- B. Removed from regular class greater than 60% of the day;  
or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

April 2010

Completion of APR Overview – Santana Thibedeau

Indicator #8 – Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Indicator #9 – Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Indicator #10 – Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification.

Indicator #11 – Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or state established timeline).

Indicator #12 – Percent of children referred by part C prior to age 3, who are found eligible for part B, and who have an IEP developed and implemented by their third birthdays.

Indicator #15 – General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

Indicator #16 – Percent of signed written complaints with reports issued that were resolved within 60 day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Indicator #17 – Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45 day timeline or a timeline that is properly extended by the hearing officer.

Indicator #18 – Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

Indicator #19 – Percent of mediations held that resulted in mediation agreements.

Indicator #20 – State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

OSEP Verification Visit – Santina Thibedeau

May 2010

RTI Model at James Mastricola Elementary School –  
John Fabrizio, Principal  
Emilie Carter, Assistant Principal  
Joanne Green, Special Education Coordinator  
Sue Matthews, Language Arts Coordinator  
Jane Hoover, School Counselor

RTI Wrap Up – Maureen Tracey

June 2010

Life After High School – Spencer Nozell

## **SUBCOMMITTEE REPORTS**

## FAPE / LRE Committee

The SPP indicators numbers 1-8 are a priority for this committee. The area we decided to concentrate on was indicator #2 “Percentage of youths with IEP’s dropping out of high school compared to the percent of all youth in the State dropping out of high school.” The group decided that we should specifically look at incarcerated youth up to the age of 25 in the state prison. We know that the vast majority of youth that are in our prison system were students who were eligible or received special education services (the correlation between students coded, drop out, and prison is high). We decided not to do a formal survey but instead focus on discussion questions regarding what type of supports could have been provided in schools that might have helped individuals to stay in high school and graduate. With coordination through Dan Tanguay (DOC Education Director) and Kathleen Letts (Special Education Director) we were able to set up two focus groups on April 3, 2009 for approximately 1 hour each. Maureen Tracey and myself conducted the sessions in the prison chapel and a classroom having the groups seated in a circle and tried to make these sessions as relaxed and as informal as possible. There were a total of 16 participants all male ranging in ages of 25 or younger.

### Profile Summary

- 1) 12 youth had already dropped out of school at the time of their arrest
- 2) The age at the time of the arrest ranged from 9 to 17, most 13 or under
- 3) All received sp ed services in school, comments about the programs received were as follows:
  - a) I went to an alternative school
  - b) They put me in a closet with a book and a mirror and if I acted bad I had to look at myself
  - c) Every aide I had had issues herself
  - d) They didn’t know what else to do with me
  - e) I acted stupid so they would do all the work
  - f) I n the resource room they talk to you like you’re stupid
  - g) In the resource room we got candy
  - h) I had an IEP but I didn’t know what it was
  - i) The teachers in the resource room helped me out. I only went when I needed it

- 4) The group felt that their parents in general did not know how sped worked and it was often frustrating experience for those who tried to be involved
- 5) The reasons for dropping out of high school were as follows:
  - a) I felt targeted, teachers wanted respect but never gave it
  - b) School did not interest me, didn't like being told what to do
  - c) I just wanted to get high, it became an addiction
  - d) I went to school just to hang out with friends
  - e) My parents were in jail and I had to stay home to take care of family
  - f) Stayed to myself and did not talk to anyone
  - g) Labeled by teachers and kids
  - h) I know how the kids at Columbine must have felt

For some the environment at home was not healthy but one of abuse and lack of supervision, but for the parents who really tried to be involved and supportive there were just too many other issues that had to be dealt with in the household. Few of these young men knew what a mentor was and had never experienced having an adult that they could talk with or confide in. The environment at school was little better then on the street or at home. Many of these young men expressed that there were few teachers who really cared; and expressed that school should be made more relevant to life and more interesting. "Most high schools are focused on the honor type student" and one individual was told how useless he was. Another young man stated "Who would want to stay in a place that doesn't really want you and besides it is easier for the system when the trouble maker is not in school."

### What We Learned

Being in the education for more then 35 years there was nothing discussed that surprised me. Maybe that is the problem, if we already know what some of the obstacles are that stand's in the way of young people then why have we not solved them? The reason is because these truly are very complex issues. However this committee recommends that SAC take a look into mentorship programs. There are school systems that have been more successful then others and clearly these young people are crying out for guidance

Another recommendation might be to ask young people who are receiving special education services to evaluate these services. Why are parents or DOE etc asked to do this when in fact those who are being affected the most

have very little input into the sped system. I was pretty disturbed by some of the comments regarding experiences in special education. Lastly, I feel there needs to be a better way to support teachers on how to be creative and engaged with all students. There is so much emphasis on improving test scores that other required professional development areas need to be developed so that teachers can learn creative ways to motivate and engage all learners.

### **Addendum**

**This committee report was completed a year ago. A considerable amount of time went into gathering the information (coordination with the prison, setting up meetings, conducting interviews). I thoroughly enjoyed the opportunity to talk to the young men who participated. Their stories were powerful and there is still much we can continue to learn from them.**

**Here are some specific and general recommendations I am making to SAC:**

- 1) Add a category for a rep or an individual who was or is incarcerated and receives sped services through the Dept of Corrections to the membership of SAC**
- 2) Appoint a committee to research successful mentorship program for at risk youth. Information could then be shared with districts as a resource.**
- 3) There is a Juvenile Study Committee and I know there is a SAC member who attends, but is it possible to have a SAC member sitting on the committee?**
- 4) SAC should support the recommendations of NH Leadership's Teacher Certification Action Group requesting that the Bureau of Credentialing require 10 – 15 hours of professional development to teachers on Best Practices in Inclusive Education .**



## MEMBERSHIP SUBCOMMITTEE

The membership subcommittee continued to concentrate on bringing SAC membership into compliance with federal and state requirements this year.

SAC ended its previous year with 46 total members. 18 out of 22 representative positions were filled and 23 persons with a disability or parents of a child with a disability represented.

The SAC chair was in communication with the governor's office as well as the attorney general's office over the summer and throughout this past year to share and clarify membership requirements and information.

The SAC ended its 2009-2010 sessions with 38 total members. 18 of the required 22 representative positions being filled and 20 persons with a disability or parents of a child with a disability being represented. (See attached membership listing)

The membership packet that was developed last year to aid in the orientation of new members as well as the membership application checklist were implemented this year. They have been a great help in tracking new member applications and bringing new members up to speed quickly so that they are able to fully participate in committee work and discussion.

## **Unmet needs within the state related to the education of children/students with disabilities**

Based on widely accepted measures ie. Graduation rates, statewide assessment scores, a significant number of students receiving special education services statewide are not having their needs met.

These problems are exacerbated in a number of communities based on geography, poverty, lack of services and resources, and local decisions.

The SAC agrees with the findings of the FAPE/LRE subcommittee that at risk and disenfranchised students are not having their needs met and therefore, some are ending up in the juvenile or prison system.

## **Recommendations**

The State Advisory Committee respectfully submits the following recommendations to the Governor, Commissioner of Education, members of the General Court, and other interested parties with regard to key issues raised in this report. The recommendations are not in order of priority.

The State Advisory Committee welcomes the opportunity to work more closely with the New Hampshire Department of Education, State Board of Education, Governor, House and Senate Education Committees, and other state and local policy makers to improve special education services in New Hampshire.

The State Advisory Committee respectfully recommends to the elected officials in the Legislative body to resolve the public funding issue pursuant to the Londonderry Supreme Court decision, and Claremont 1 & 2 decisions in order to ensure all NH children have access to an adequate public education.

SAC recognizes that there are schools that are excelling in the provision of education to students with disabilities, thereby demonstrating that these students can achieve as well as their non disabled peers. Therefore, SAC recommends the state provide opportunities for these schools to share their successful methodologies with other schools.

SAC recommends that the State continue to encourage school districts to implement and/or expand early interventions such as mentoring programs for students with IEPs (and their families) who are at risk of dropping out.

SAC recommends to the State that it encourage school districts to collect information from individuals receiving special education services on the effectiveness of their special education

experience/services for the purpose of decreasing the number of drop-outs and improving special education services.

SAC recommends that the State encourage professional development for all educators to understand students' different learning styles and expand their methods of motivating, engaging and instructing all students.

The SAC recommends that the Department of Education support the development and expansion of a comprehensive Response To Intervention model in New Hampshire Schools. Additionally, the SAC further recommends the Department of Education investigate funding of additional cohorts of PBIS to support New Hampshire schools.

The SAC has attached in the appendices their written recommendations that were made during the past year regarding the following issues:

Interagency agreement between DHHS and DOE - p. 8

Changed to the New Hampshire Rules – p. 9

Reminder to districts regarding which party is responsible for health assessment costs for ADD diagnosis. – p. 12

Hiring of Independent contractor for program monitoring – p. 29

Funding to prevent reinstatement of the waitlist – p. 32

Restoring the proposed budget cut to CAT aid – p. 33

## Attendance at SAC meetings for 2009-2010

Key: P- Present    A- Absent    R- Resigned/Term expired    T- Appointed

MEMBER	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Allen, Amy	A	A	A	P	A	A	A	A	A	P
Balke, Brian	A	P	P	P	P	P	P	A	P	A
Burke, Audrey	P	P	A	P	P	A	P	P	P	A
Bragdon, Peter	A	A	A	A	A	A	A	A	A	A
Carpinone, Kim	A	A	P	A	P	P	A	P	A	A
Clarke, Claire D.	A	A	A	A	A	A	A	A	A	A
Clock, Michelle	A	P	P	A	A	A	A	A	A	A
Cohen, Dick	P	P	P	P	P	P	P	P	P	P
Curtain, Donna	P	P	P		P	P	P	P	P	P
Dailey, Raymond	A	A	A	P	P	A	A	P	A	P
Ellis, Colleen	A	A	A	A	P	A	A	P	A	P
Fairchild, Ryan	A	A	A	P	A	A	A	A	R	
Frenette, Susan	P	P	P	P	P	P	P	P	P	P
Hefflefinger, Robin	P	P	P	A	P	A	P	P	P	P
Holleran, Joan	P	A	P	P	P	A	P	A	A	P
Hunt, Linda	P	A	A	P	P	P	P	A	P	P
Ingraham, Melissa	A	P	A	A	A	R				
Keef, Angela	P	P	R							
Kilham, Benjamin	P	A	P	A	P	P	A	P	A	P
Kimner, Kerri Lynn									T	A
Kouroyen, Angela	A	A	A	A	A	R				
Kraft, Theresa	A	A	A	A	A	R				
Ladd, Rebecca	A	P	P	P	P	P	P	P	P	P
Lewis, Michelle	P	P	A	P	P	P	P	P	P	P
Liberti, Marilou	A	A	A	A	A	A	A	A	A	A
Luongo, Joe	A	A	R							
Marcotte-Jenkins, Susan	A	P	A	P	P	P	A	P	A	P
Merrill, Amanda	A	A	A	A	A	A	A	A	A	A
Nadeau, Melissa	A	A	R							
Nozell, Griffin	A	A	A	P	A	R				
O'Connor, Angela	P	P	P	P	A	A	A	A	A	A
O'Mara, James									T	A
Ouellette, Albert	A	A	A	A	A	A	A	A	P	A
Paquette, Cheryl	P	A	A	P	P	P	P	A	P	P
Rosa, Cynthia	A	P	A	A	A	A	A	P	A	P
Rosado, Michelle	P	P	A	P	P	P	A	P	A	A
Shaffer, Eric	P	P	P	P	P	P	A	P	A	P

Sgambati, Frank	A	A	P	A	P	A	A	A	A	R
Shedd, Martha	A	P	A	A	A	A	R			
Staines, Karin									T	A
Stiles, Nancy	A	A	P	P	A	A	A	A	P	A
Swonger, Patricia	P	P	P	P	P	P	P	P	P	P
Tanguay, Danny	P	P	P	P	P	A	P	A	A	P
Thalheimer, Heather	R									
Thistle-Elliott, Linda	P	A	A	P	P	P	A	A	P	A
Thomas, Wendy	A	P	A	P	P	A	A	A	P	R
Tracey, Maureen	P	P	A	P	P	P	A	P	A	A
Wiers, Janice	A	R								
Wilkinson, Anne	P	P	P	P	P	P	A	A	P	A

Total attending	19	21	16	24	24	17	13	17	18	18
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**State Advisory Committee on the Education of  
Children with Disabilities;  
Advising the Governor and Legislature;  
Per RSA 186-C:3-b**

**Membership List**

**Updated: April 21, 2010**

<b><i>The committee shall consist of the following members:</i></b>	<b><i>Name</i></b>	<b><i>Contact Info</i></b>	<b><i>Term Expiration</i></b>
Two members of the house education committee, appointed by the speaker of the house	Representative Nancy Stiles  Representative Claire Clarke	1 Hayden Circle, Hampton, NH 03842-1165 603-601-6591 <a href="mailto:nstiles@comcast.net">nstiles@comcast.net</a> <a href="mailto:nancy.stiles@leg.state.nh.us">nancy.stiles@leg.state.nh.us</a>  <a href="mailto:Claire.clarke@leg.state.nh.us">Claire.clarke@leg.state.nh.us</a>	
Two members of the senate education committee, appointed by the president of the senate	Senator Amanda Merrill  Senator Peter Bragdon	<a href="mailto:Amanda.merrill@leg.state.nh.us">Amanda.merrill@leg.state.nh.us</a>  <a href="mailto:Peter.Bragdon@leg.state.nh.us">Peter.Bragdon@leg.state.nh.us</a>	
One representative of a vocational, community, or business organization concerned with the provision of transition services to children /students with disabilities appointed by the governor	Vacant		
One state education official, who shall be an administrator, appointed by the governor	Joan Holleran Administrator of VR/External Relations	21 Fruit Street Concord, NH 03301 271-3530 <a href="mailto:jholleran@ed.state.nh.us">jholleran@ed.state.nh.us</a>	Expires 5/4/11 Term 1
One local education official, who shall be an administrator, appointed by the governor	Amy Allen, Asst Principal of Special Svcs	Manchester School District SAU #37 286 Commercial Street Manchester, NH 03101 <a href="mailto:amyallen@mansd.org">amyallen@mansd.org</a>	Expires Term 1
<b>Two teachers, one of whom shall be a special education teacher, appointed by the governor</b>	Anne Wilkinson	Concord School District SAU #8 16 Rumford Street Concord, NH 03301 (W)225-0840 (H)225-6087 <a href="mailto:annewilkinson@comcast.net">annewilkinson@comcast.net</a>	Expires 5/4/11 Term 2

	Kerri-Lynn Kimner,	Amherst/Mont Vernon School District-SAU #39 PO Box 849 Amherst, NH 03031	Expires Term 1
One representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services, and appointed by the governor	Michelle Rosado, Supervisor III	DHHS- Bureau of Developmental Services Community Based Care Services 105 Pleasant Street Concord, NH 03301 271-5034 <a href="mailto:mrosado@dhhs.state.nh.us">mrosado@dhhs.state.nh.us</a>	Expires 4/10/11 Term 2
One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the governor	Richard (Dick) Cohen	DRC 18 Low Ave. Concord, NH 03302 (W) 228-0432, ext. 815 <a href="mailto:richardc@drcnh.org">richardc@drcnh.org</a>	Expires 12/22/10 Term 2
One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the governor	Michelle Lewis	Parent Information Center 151A Manchester Street Concord, NH 03302 (W)224-7005 <a href="mailto:mlewis@parentinformationcenter.org">mlewis@parentinformationcenter.org</a>	Expires 5/4/11 Term 2
Two individuals with disabilities who may have received special education services, one of whom may be a high school student, appointed by the governor	Benjamin Kilham	172 Grafton Turnpike PO Box 37 Lyme, NH 03768 795-4135 <a href="mailto:Benjamin.Kilham@valley.net">Benjamin.Kilham@valley.net</a>	Expires 10/4/10 Term 2
	Spencer Nozell	10 Wildcat Falls Merrimack NH 03054 E-mail: <a href="mailto:Spencer@nozell.com">Spencer@nozell.com</a> (H):(603)424-1379 Cell:(603)494-5926	Expires 10/4/10 Term 2
	Griffin Nozell	10 Wildcat Falls Merrimack, NH 03054 (H)603-424-1379 <a href="mailto:Griffin@Nozell.com">Griffin@Nozell.com</a>	Expires 2/15/10 Term 1
	Albert Ouellette	2 Bluffs Drive Penacook, NH 03303 (w)271-3804 <a href="mailto:aouellette@ed.state.nh.us">aouellette@ed.state.nh.us</a>	Expires 10/30/10 Term 1



One administrator of a public special education program, appointed by the governor	Brian Balke, Director of Special Education	SAU 19 11 School Street Goffstown, NH 03045 497-4818 <a href="mailto:bbalke@goffstown.k12.nh.us">bbalke@goffstown.k12.nh.us</a> ;	Expires 5/4/11 Term 1
One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor	Frank Sgambati	UNH/IOD 56 Old Suncook Road, Suite 2 Concord, NH 03301 (w) 228-2084 <a href="mailto:fs@unh.edu">fs@unh.edu</a>	Expires 5/4/11 Term 2
One representative of a private school approved for special education, appointed by the governor	Karen Staines, Executive Director	Learning Skills Academy 1247 Washington Road Rye, NH 03870 603-964-4903 <a href="mailto:kstaines@learningskillsacademy.org">kstaines@learningskillsacademy.org</a>	Expires 12/12/10 Term 1
One representative of a public charter school, appointed by the governor	Vacant		
One individual representing children with disabilities who are home schooled, appointed by the governor	Vacant		
One representative from the department of corrections, <b>and one representative from a county correctional facility, both of whom are responsible for administering the provision of special education or special education and related services</b> , appointed by the governor	Daniel Tanguay, Education Director          James O'Mara, Superintendent	NHSP 281 North State Street Concord, NH 03301 271-1855 <a href="mailto:Daniel.t.tanguay@nhdoc.state.nh.us">Daniel.t.tanguay@nhdoc.state.nh.us</a>      Hillsborough County Department of Corrections 445 Willow Street Manchester, NH 03103 <a href="mailto:jmojr@hillsboroughcountydor.org">jmojr@hillsboroughcountydor.org</a> 627-5620	Expires 5/4/11 Term 1          Expires 5/4/11 Term 1
<b><u>Parents</u></b> of children/students with disabilities, appointed by the governor. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities	Audrey Burke	6 Pine Crest Road Bow, NH 03304 (cell)860-7015 <a href="mailto:audburke@yahoo.com">audburke@yahoo.com</a>	Expires 5/4/11 Term 2

	Robin Hefflefinger	20 Martingale Road Amherst, NH 03031 (h)672-9446 <a href="mailto:robin@hefflefinger.com">robin@hefflefinger.com</a>	Expires 5/4/11 Term 2
	Wendy Thomas	10 Wildcat Falls Merrimack, NH 03054 424-1379 <a href="mailto:wethomas@gmail.com">wethomas@gmail.com</a>	Expires 5/4/11 Term 2
	Raymond Dailey	39 Mill Lane Hampton Falls, NH 03844 <a href="mailto:redailey@daileyed.com">redailey@daileyed.com</a> (H) 664-9616 Cell #: 817-8472 Office address: PO Box 663 Hampton Falls, NH 03844 (W)929-7994	Expires 5/4/11 Term 2
	Martha Shedd	Box 147 Snowville, NH 03832 <a href="mailto:Mashedd2@aol.com">Mashedd2@aol.com</a> (H)447-4723	Expires 5/4/11 Term 2
	Donna Curtin	34 Brickyard Drive Litchfield, NH 03052 880-1899 <a href="mailto:Jcurtin01@aol.com">Jcurtin01@aol.com</a>	Expires 10/4/10 Term 2
	Patricia Ann Swonger	6 Klara Drive Merrimack, NH 03054 424-9321 <a href="mailto:Trisha@swonger.net">Trisha@swonger.net</a>	Expires 11/28/10 Term 2
	Susan Frenette	13 Aglipay Drive Amherst, NH 03031-2131 (H)603-598-9213 (Cell)603-345-9472 <a href="mailto:sfrenette@comcast.net">sfrenette@comcast.net</a>	Expires 5/14/11 Term 1
	Angela O'Connor	53 Westview Road Brookline, NH 03033 (Cell #)801-7918 <a href="mailto:AngelaOConnor@charter.net">AngelaOConnor@charter.net</a>	Expires 6/11/11 Term 1
	Maureen Tracey	17 Burt Street Merrimack, NH 03054 424-9175 <a href="mailto:MaureenTracey3@hotmail.com">MaureenTracey3@hotmail.com</a>	Expires 6/11/11 Term 1
	Susan Marcotte-Jenkins	11 Hope Lane Bow, NH 03304 (H)228-3967 (m)502-3456 (w)206-2802 <a href="mailto:jenkins913@comcast.net">jenkins913@comcast.net</a> <a href="mailto:susan.marcottejenkins@moorece">susan.marcottejenkins@moorece</a>	Expires 10/30/10 Term 1

		<a href="http://nter.org">nter.org</a>	
	Colleen Ellis	298 Highrange Road Londonderry, NH 03053 (H)432-9090 (W)429-1600 (cell)505-2971 <a href="mailto:colleenellis@hotmail.com">colleenellis@hotmail.com</a>	Expires 10/30/10 Term 1
	Eric Shaffer	131 Talent Road Litchfield, NH 03052 (H)881-7120 <a href="mailto:the4shaffers@gmail.com">the4shaffers@gmail.com</a>	Expires 10/30/10 Term 1
	Cheryl Paquette	255 Twin Bridge Road New Boston, NH 03070 487-1033 <a href="mailto:Cherylpaquette255@comcast.net">Cherylpaquette255@comcast.net</a>	Expires 2/13/11 Term 1
	Linda Hunt	786 Bedford Road New Boston, NH 03070 540-7254 <a href="mailto:lindamariehunt@comcast.net">lindamariehunt@comcast.net</a>	Expires 2/13/11 Term 1
	Michele Clock	28 Moonlight Drive Newmarket, NH 03857 <a href="mailto:mclock@comcast.net">mclock@comcast.net</a> 591-6986	Expires 3/25/11 Term 1
	Marilou Liberti	39 Ladyslipper Drive Newmarket, NH 03857 <a href="mailto:mariliberti@yahoo.com">mariliberti@yahoo.com</a> 659-0318	Expires 3/25/11 Term 1
	Cyndie Rosa	21 Morning Dove Road Kingston, NH 03848 <a href="mailto:cyndierosa@gmail.com">cyndierosa@gmail.com</a> 642-6466 Cell #: 978-314-3916	Expires 3/25/11 Term 1
	Rebecca Ladd	38 Knapp Road Piermont, NH 03779 <a href="mailto:rebeccaladd@hughes.net">rebeccaladd@hughes.net</a> (603)991-9712	Expires 10/30/10 Term 1
According to <b>IDEA</b> 2004, the additional individuals must be included;			
A State and <b>local education official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act</b> (42 U.S.C. 11431 et seq.), appointed by the	Lynda Thistle – Elliott	Department of Education Office of Integrated Programs 101 Pleasant Street Concord, NH 03301 271-3840 <a href="mailto:lelliott@ed.state.nh.us">lelliott@ed.state.nh.us</a>	Expires 10/4/10 Term 2

governor.	Kim Carpinone	Londonderry School District 268C Mammoth Road Londonderry, NH 03053 603-432-6920 <a href="mailto:kcarpinone@londonderry.org">kcarpinone@londonderry.org</a>	2/6/11 Term 1
A representative from the department of health and human services responsible for foster care, <b>recommended by the commissioner of the department of health and human services and appointed by the governor.</b>	Vacant		Expires
Representative from the State juvenile agency	Vacant		

## **APPENDICES**

**DRAFT MEMORANDUM**

To: HB 661 Commission

From: Patricia Ann Swonger, Chairperson, on behalf of the Special Education State Advisory Committee on the Education of Students/Children with Disabilities (SAC)

Re: Comments to HB 661 Commission DRAFT PLAN

Date: November 17, 2008

Because of the short turn around time for comments, the SAC did not have time to develop detailed comments on each section of the report. However based on our discussion and vote at the November 4, 2008 meeting, the SAC subscribes to the General Comments Section in Disabilities Rights Center's November 17 submission to the Commission. The SAC did not have the opportunity to discuss and/or review the specific comments in Section II of the submission.

## **Disabilities Rights Center Comments to the HB 661 Commission Draft Report**

Richard Cohen, Esq.—November 16, 2008

### **I. General Comments**

While there may be a need for an extension to further develop and refine a number of tasks, there are clearly components that are ready for launching with some additional specificity. Given what is at stake as found by the Legislature, two more years of the education and lives of literally thousands of children, tasks and actions that can be readied for initiation as stated or with additional specificity should be.

As to the continuation of the Commission, there should be specification of what further areas and activities need further planning and development within a two-year period with the proviso that anything that can be initiated before hand should be. There should also be an appropriation of at least \$50,000 for the Commission to use a consultant and/or hire staff. The bill, as originally drafted, contained such a dollar amount, plus called for the work to start upon passage, which would have been early in 2007. Because some felt that the funding was not needed, it was taken out. The NH DOE requested a delay of start up until January 2008. These factors certainly made the Commission's work more difficult to complete by the December 2008 deadline. Much more could have been accomplished with nearly twice as much time and some resources. Let's not repeat the same or similar mistakes again.

Based on the nature of the recommendations made to date, it is suggested that the life of the commission not only be extended two years but be made permanent, or at least given a long term status, that may be renewable in order to monitor and oversee progress and implementation with reporting/recommendation's responsibilities. This will enhance the likelihood that this significant, multi-pronged, interagency effort will stay on track. A five to seven year renewable term makes sense.

In follow up to my verbal remarks and in accordance with RSA 186:21(HB 661) III and the reason for this provision, each task/activity in the plan should have a person/agency responsible for implementation, timeline(s), resources (financial or otherwise, as needed) and any necessary statutory, regulatory, or policy changes. Without these ingredients, it is likely many things will not get done. Statutory, regulatory, and policy changes are also needed to make sure changes last, and not come and go with the federal grant terms and dollars.

RSA 186-C:21(II)(h) requires: "Methods and standards to evaluate the performance of the activities to implement each area. While we have a few suggestions to do such below, the Commission should make sure that each activity has standards and methods to evaluate success. If existing mechanisms are effective, they could be augmented to address the areas in the plan. The indicators should be on a school and state level, as applicable, and be adequate to evaluate whether an initiative is having its intended effect. Again several examples illustrate these recommendations below.

In the areas in which the Commission did not complete its work, leaving it to a successor to address, the Commission should state findings or at least observations in which there is consensus or agreement . In addition, or alternatively, parameters or at least tentative standards that have been agreed to or discussed should be specified. The draft does this to some extent with TA/pools of specialists, in stating two possible models. Given how valuable people's time and resources are, the good and considerable work to date should not be wasted. For example where the Commission is recommending revision of certification standards in accordance with best practice standards, a finding should be stated that current standards do not meet best practice standards or language to that effect.

Finally, we suggest adding at the beginning of each section or in the body of each section references to the results of the surveys, not as the sole source of support, but as an important need indicator for what you are proposing.

## **II. Specific Comments**

### **Page 4**

It would be desirable to add two columns, one on the number of out of district placements and the other for private day/residential placements, if that data is readily available. Also two rows should be added, one showing all other categories of children and the other the total.

### **Page 9-10**

I do not know if it was considered, but in accordance with RSA 186-C:21(II)(d), the Commission should state/make clear that the pools of specialists in the model would also have a role of filling vacancies on an interim basis at the school level, if this was considered. If not, it should be specifically referenced for the successor body to fashion.

I would delete the 5th bullet on page 10. While all organizations have to prioritize, I would not invite limited or under funding.

As to the last 3 bullets on the page, they are not parallel and it may be confusing. I gather under either structure—the new agency or consortium model-- satellites or a more centralized model could be utilized. The way the material is sequenced there is not 100% clarity on this point.

### **Page 13, Recommendation 2**

There is no need to go the Legislature on this issue. The Legislature has spoken. HB 766 amended RSA 186-C:18(XI)(a) stating that a percentage of CAT aid can be used for the establishment or support of school based programs for children who have been out of district. The new section states in relevant part:

The state board of education, through the commissioner of the department of education, shall distribute to school districts the lesser of 3.5 percent or \$1,000,000 in catastrophic aid funds appropriated in the fiscal year, to



**establish or support school district-based programs** for children with disabilities who have been in out-of-district programs in the previous school year. (Emphasis added.)

Certainly training and/or technical assistance can be an integral part of the establishment or support of a program. DOE is intending to amend the rules based on HB 766, thus the recommendation should be read to state the NH DOE should amend the special education rules to permit the use of CAT aid for this purpose in accordance with RSA 186-C:18(XI)(a) (HB 766).

#### **Page 14-15**

As with the rest of the report, each recommendation should state who is responsible to carry out the particular activity. A timeline should be stated for each at least for initiation of the process and, where possible, a target date for completion.

The phrase at the beginning of No. 1, Revise “**as necessary**...” undermines the Commission’s own findings and recommendations. It should be struck.

As stated earlier, there is a need to make specific findings that current certifications do not meet best practice standards and that additional certifications are necessary if students with the applicable disabilities are to receive a quality education. Alternatively, you could state such revisions or additions are necessary to better ensure that children receive a proper education or that educational personnel are properly equipped.

#### **Page 16**

As you did with No. 3 on page 15, where there are applicable model standards for the disciplines, they should be identified as well.

The Bureau of Special Education monitoring standards should be amended to make explicit the requirement that all teachers, para’s and other education personnel meet these certification standards and failure to do so would constitute a serious violation. Yearly reviews should be conducted to ensure that all certification standards are met in each school. For this purpose, onsite should not be necessary.

There is reason to believe that waivers are granted to the certification standards or the alternative certifications are being abused. An extended HB 661 Commission should have as one of its charges further investigation into this area.

Even when higher ed curricula meet appropriate standards and all personnel are certified, that does not guarantee that personnel receive all the training needed in every situation to meet the unique needs of particularly low incidence or highly challenging students. While good pre service and in-service and good certification standards should provide what most professionals require, for particular children more may be needed. This is why IDEA, 34 CFR 300.324(a)(4), requires that IEPs may specify additional support that personnel may need to meet the needs of the child. To ensure compliance with that hugely underutilized provision of law, the Bureau State Standards should be amended to make clear that, where needed as determined by the Team, an IEP should state any

training that a professional or paraprofessional needs to meet the IEP. This change could be made when the regulations are amended to comply with HB 766.

After the certifications are revised or new ones established, the state university system should bring in a panel of national experts in the education of students with disabilities to evaluate whether the state higher ed curricula meet the certification standards and provide any needed technical assistance. An out of state panel ensures maximum independence.

## **Page 16**

On the evaluation end, baseline data should be established on the true current state of shortages, then benchmarks set over say, a three to five year period, for the state/school districts to meet until all shortages are addressed. Consistent with HB 766, schools should be monitored and held accountable if they do not make best efforts to fill vacancies in their schools.

All three recommendations require much more elaboration, plus specification of timelines, resources needed, who within the NH Institutions of Higher Education should be responsible for these activities.

The marketing effort recommended in No. 1 should be broadened to include short and long term strategies to interest high school and college students in these professions. In other words more is needed than just publicizing the current programs.

The current programs listed in the draft have existed for some time, yet the shortages have persisted for years. If the marketing efforts do not work after say 2-3 years, sign up bonuses and increased salaries in shortage areas in the intractable areas by subject and/or geography. An extended commission could develop the specifics, including whether the necessary funding should come from the state on application by a school district demonstrating they had made all other efforts to fill a vacancy.

**Page 17** This section should be merged with the first section.

**Page 24.** More work clearly needs to be done in this section and should be tackled by the extended commission.

## **Page 25-26**

This section needs more specificity concerning timelines, resources, persons responsible, etc. With regard to no. 4, the extended commission should tackle this issue. But again the phrase “as necessary” should be struck and at least an overarching guidance standard should be stated. Maximum or weighted caseloads should be established and followed to enable each such professional to discharge all their responsibilities, including most importantly adequate provision of services to the children.

No. 5 is an important area. Given the complexity of the funding/incentive/disincentive issues, I would recommend this be an area for the extended commission to address, with funds appropriated for an expert consultant. Done well, this may save money in the long run.

## **Deaf Students**

To meet multiple concerns, I would reiterate my proposal at the public hearing that could be considered by the extended commission. I would be happy to elaborate on it at the appropriate time. The proposal calls for 4 or 5 regional day programs located in public schools similar to the Manchester and the former Portsmouth deaf students' programs. This would help address personnel shortages in these areas (e.g. deaf teachers and interpreters), allow concentrations of expertise, and enable deaf children to be with one another for significant portions of day, but also to be included with non deaf children as part of their day as well, based on individual needs and for both educational and social reasons.

Children would be able to remain with their families and not have to travel inordinate distances if regionally and strategically located. The school districts may or may not have their own children in the program at any point in time. Therefore the state should provide monetary incentives to the school districts who operate the program. It will still be less expensive than a residential model or a model in which only one or two deaf children are enrolled in schools scattered around the state. Most importantly it can be a very effective program.

Of course a continuum must be available for deaf children, but if this model is effective, it will probably become, by far, the model of choice for most IEP teams.

January 15, 2009

Santina Thibedeau, Administrator  
NH Bureau of Special Education  
NH Department of Education  
101 Pleasant Street  
Concord, NH 03302

Subject: Data Request by the SAC

Dear Santina,

First, I want to thank you and the Department for the support that you provide to the State Advisory Committee on the Education of Children with Disabilities (SAC) which enables us to do the work with which we are charged. Terry Stafford's administrative support, in particular is very helpful.

One of the mandates of the SAC is to advise the Commissioner on unmet needs related to the education of children with disabilities. When an issue related to unmet needs is raised, we want to take appropriate steps to ensure that we are able to fully understand the issue and provide meaningful and helpful input to the Commissioner. At times, that will require us to request data or other materials relevant to the issue. We believe that, in fulfilling our responsibilities, SAC may also be a valuable resource to the Department by affirming the need for appropriate resources to enable the Department to meet its obligations under State and Federal special education law.

An issue that was brought to the attention of the SAC in November 2008 was a concern about the timeliness of the resolution of state administrative complaints. In November 2008 we asked that Terry Brune come to the next meeting of the SAC to present data on complaint resolutions. A planned presentation for the next meeting was removed from our agenda to accommodate discussion of this issue. Terry Brune was unable to attend the December meeting and there was insufficient data presented to discuss the issue. Therefore, a formal motion requesting specific data was made at that meeting to be presented at the next meeting in January. Anticipating this data, the issue was placed on the agenda for our January meeting and sent to all participants on December 23, 2008. That meeting was held yesterday and again there was insufficient data to discuss the issue.

Given that it has now been over two months since the issue was initially raised at a SAC meeting, and that the information requested is data that is routinely collected to report to the federal government, we are again requesting that SAC be provided with the data on complaints for the past 3 years and the timeliness of their resolution. To recap, the motion that was passed at the December SAC meeting requested the following data:

- The number of special education complaints over a three-year time period (by year)
- The locations (school districts) where the complaints were filed
- The issues that complaints were about

- The coding coding/disability of the students for whom the complaints were filed
- A timeline from when each complaint was submitted to the Department of Education to when the final decision was received by the parent.
- That Terry Brune appears before SAC to answer questions relating to this issue.

So that we will be prepared to discuss this issue at our next meeting, please submit the data to me in writing at least 3 days prior to our scheduled meeting date, which is scheduled for February 4, 2009. I will add the issue to our agenda for that meeting. I appreciate your prompt response to this matter.

Sincerely,

Patricia Ann Swonger, Chair  
State Advisory Committee on the Education of Children with Disabilities

cc: Mary Heath, Deputy Commissioner, NH Department of Education  
Heather Thalheimer, Vice Chair  
State Advisory Committee on the Education of Children with Disabilities

March 18, 2009

Mr Daniel Tanguay  
Education Director  
New Hampshire State Prison  
281 North State St.  
Concord, NH 03301  
(603) 271-1855

Dear Mr. Tanguay,

I am writing at the request of Kathleen Murphy, Director, Division of Instruction and Santina Thibedeau, Administrator, Bureau of Special Education at the New Hampshire Department of Education to clarify that the drop out interview project that Mr. Frank Sgambati is coordinating with you at the prison is not a Department of Education sanctioned or supported project. It is the sole responsibility and sanction of the State Advisory Committee on the Education of Children/ Students with Disabilities.

As you may be aware, The State Advisory Committee on the Education of Children/Students with Disabilities is a federally mandated committee whose purpose includes advising the department of education regarding unmet needs within the state in the education of children/students with disabilities. It is in this capacity the Mr. Sgambati is acting on behalf of the committee.

On behalf of the State Advisory Committee, I would like to thank you for all your effort and consideration in working with Mr. Sgambati on this project. The committee looks forward to reviewing the data produced by the upcoming interviews in the hope that it will help us to advise the department of education in regard to the unmet needs of this unique population of students.

Thank you again for all your cooperation on this project.

Yours truly,

Patricia Ann Swonger  
Chairman  
State Advisory Committee on the Education of Children/Studentswith Disabilities

Cc: Kathleen Murphy, Director, Division of Instruction  
Santina Thibedeau, Administrator, Bureau of Special Education  
Heather Thalheimer, Vice Chair, SAC

**State Advisory Committee on the Education of  
Students/Children with Disabilities;  
Advising the Governor and Legislature;  
Per RSA 186-C:3b**

April 7, 2009

Lou D'Allesandro, Chairman  
Senate finance Committee  
107 N. Main Street  
Room 302 – State House  
Concord, NH 03301

Re: HB 1 and Recommendation of the State Advisory Committee on the  
Education of Children/Students with Disabilities Regarding DOE Positions

Dear Chairman D'Allesandro:

The State Advisory Committee on the Education of Children/Students with Disabilities (SAC) at its April 1, 2009 meeting voted to recommend to your committee that the state budget include three (3) additional positions for the Bureau of Special Education of the Department of Education.

The Bureau and Department originally proposed two additions, which we understand are not in HB 1. These positions were necessary to enable the Department to carry out its augmented or additional responsibilities as a result of passage of HB 766 last year and specifically in relation to provision of special education in county jails and to assure that the Department can carry out its monitoring responsibilities under federal and state law. Based on data presented by Department personnel to the SAC at its March and April meetings, the SAC felt that a third position is needed to ensure that federal mandated timelines on complaints investigations and resolutions can be met and the outcomes of substantiated complaints be monitored and carried out.

The reasons given for supporting the three positions during the discussion which preceded the vote included the need to ensure that eligible children receive an appropriate education and that the Department be able to comply with federal requirements concerning the timelines surrounding the investigation of complaints and pursuant corrective action. This will ensure the state does not suffer any additional federal interventions.

We appreciate your consideration in this matter.

Yours truly,

Patricia Ann Swonger  
Chairman, State Advisory Committee

cc: Commissioner, Department of Education

**State Advisory Committee on the Education of  
Students/Children with Disabilities;  
Advising the Governor and Legislature;  
Per RSA 186-C:3b**

April 17, 2009

Molly M. Kelly, Chairman  
Senate Education Subcommittee  
107 N. Main Street  
Room 302 – State House  
Concord, NH 03301

Re: HB 154 and Recommended Amendments by the State Advisory Committee on the  
Education of Children/Students with Disabilities Regarding DOE Positions.

Dear Chairperson Kelly,

The State Advisory Committee on the Education of Children/Students with Disabilities (SAC) at its April 1, 2009 meeting reviewed HB 154 An Act Relative to Truancy. We think the proposed House changes in the bill to the existing law are a positive move forward, and in that regard would like to highlight the importance of the House language in which the “truancy age” is lowered from 8 to 6 years old. This allows corrective steps to be started earlier. However, after deliberating the SAC voted to recommend to your committee the following two other changes. We think these changes will strength the law still further.

1. That language be included stating that the designated truant officer have the requisite training and skills for the position.
2. That the Department of Education issues a guidance document spelling out what such training would be and listing best practices and intervention steps designed to reduce the number of habitual truants.

I have attached a copy of the bill with the two changes embedded for your convenience.

The SAC applauds the efforts of the house on HB 154 and supports passage of the bill with the preceding adjustments. We thank you for your consideration and your efforts.

Yours truly,

Patricia Ann Swonger  
Chairman, State Advisory Committee

Cc: Representative, Nancy Stiles  
Commissioner, Department of Education



## Attendance at SAC meetings for 2008-2009

MEMBER	Key: P- Present    A- Absent    R- Resigned/Term expired    T- Appointed									
	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Allen, Amy	P	A	P	P	A	A	A	A	P	A
Balke, Brian	P	P	A	P	P	P	P	A	P	A
Bragdon, Peter				T	A	A	A	A	A	A
Brule, Susan	A	A	A	A	R					
Burke, Audrey	P	A	P	P	P	P	P	P	P	P
Carpinone, Kim						T	P	A	P	A
Carson, Sharon M.				T	A	A	A	A	A	A
Clarke, Claire D.	A	A	A	A	A	A	A	A	A	A
Clock, Michelle							T	P	P	A
Cohen, Dick	P	A	P	P	P	P	P	P	A	A
Cooley, Sarah	A	R								
Curtain, Donna	A	A	P	P	P	A	P	P	A	P
Dailey, Raymond	P	A	P	A	P	P	A	P	A	P
Ellis, Colleen			T	P	P	P	A	P	A	A
Fairchild, Ryan		T	A	P	P	A	P	A	P	P
Frenette, Susan	P	P		P	P	P	P	P	P	P
Hefflefinger, Robin	P	P		P	P	P	P	P	P	P
Holleran, Joan	P	P	P	P	P	P	A	P	P	A
Hunt, Linda						T	P	P	P	P
Ingraham, Melissa						T	P	P	P	A
Keef, Angela	P	P	P	P	P	P/T	P	P	A	P
Kelley, Molly	A	A	A	R						
Kilham, Benjamin	A	P	P	P	P	P	P	A	P	P
Kouroyen, Angela	A	A	A	P	A	A	A	A	A	A
Kraft, Theresa	A	A	A	A	A	A	A	A	A	A
Ladd, Rebecca		T	P	P	A	P	P	P	P	A
Letts, Kitty	A	A	A	A	A	A	A	A	A	A
Liberti, Marilou							T	P	P	A
Lowell, Lisa	A	A	R							
Luongo, Joe						T	P	P	P	A
Marcotte-Jenkins, Susan			T	P	P	P	A	P	P	A
Merrill, Amanda				T	A	A	A	A	A	A
Nadeau, Melissa	A	P	A	A	A	A	A	A	A	A
Nozell, Griffin	A	P	A	P	P	A	A	P	P	P
Nozell, Spencer	A	P	A	P	P	A	A	P	P	P
O'Connor, Angela	P	P	A	P	P	A	A	A	A	A
Okongwu, Ngozi	A	A	A	A	A	A	A	R		
Ouellette, Albert		T	P	A	A	A	A	A	A	A

Paquette, Cheryl						T	P	P	A	P
Rosa, Cynthia							T	P	P	P
Rosado, Michelle	P	A	A	P	P	A	P	P	A	A
Shaffer, Eric		T	A	P	A	P	P	A	A	P
Sgambati, Frank	P	P	A	A	P	P	A	P	A	P
Shedd, Martha	P	A	A	A	P	P	A	P	A	A
Stiles, Nancy				T	P	P	A	A	A	P
Swonger, Patricia	P	P	P	P	P	P	P	P	P	P
Tanguay, Danny	A	A	A	P	P	P	P	A	P	P
Thalheimer, Heather	P	A	P	P	P	P	P	P	P	P
Thistle-Elliott, Linda	A	P	A	P	P	A	P	P	P	P
Thomas, Wendy	A	P	A	P	P	A	P	P	P	P
Tracey, Maureen	P	P	P	P	P	P	A	P	P	P
Whitney, Suzanne	P	A	P	R						
Wiers, Janice	P	P	P	A	A	A	P	P	P	P
Wilkinson, Anne	A	P	P	A	P	P	P	P	A	P
Total attending	18	17	16	26	27	22	24	30	26	24

# **POLICIES AND PROCEDURES**

## **STATE ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES**

The Individuals with Disabilities Education Act (IDEA) requires that each state establish and maintain an advisory panel for the *purpose of advising the state special education staff regarding the education of all eligible children with disabilities*. This includes advising the state on the education of eligible children with disabilities who have been convicted as adults and incarcerated in adult prisons, even if a state assigns general supervision responsibility for those children to a public agency other than a State Education Agency. All states are required to meet the federal regulations regarding state advisory panels, however, states may also have laws/regulations which establish panel requirements and responsibilities beyond those outlined in federal regulation (1).

In New Hampshire, this panel is the State Advisory Committee on the Education of Children/Students with Disabilities (SAC). State law, RSA 186-C:3-b, specifies the purpose, membership, terms and duties of the committee. The purpose of the committee is to “advise the Commissioner of Education on issues relating to special education, and to promote communication and cooperation among individuals involved with students with disabilities. In addition, the committee shall review the federal financial participation and the level of state funding to determine their impact on the programs and delivery of services to children/students with disabilities” (2).

### Membership

The State Advisory Committee must be appointed by the Governor or other officials authorized under State law to make those appointments. The committee shall consist of the following members:

- (a) Parents of children with disabilities, appointed by the governor
- (b) Two members of the House Education Committee, appointed by the Speaker of the House
- (c) Two members of the Senate Education Committee, appointed by the President of the Senate
- (d) One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the Governor
- (e) One state education official, appointed by the Governor
- (f) One local educational official, who shall be an administrator, appointed by the Governor

- (g) One special education teacher and one regular education teacher, appointed by the Governor;
- (h) One representative of the Department of Health and Human Services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the Commissioner of the Department of Health and Human Services, and appointed by the Governor;
- (i) One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the Governor.
- (j) One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the Governor.
- (k) Two individuals with disabilities who may have received (who have benefited from) special education services, one of whom may be a high school student, appointed by the Governor
- (l) One administrator of a public special education program, appointed by the Governor.
- (m) One representative of an institution of higher education that prepares special education and related services personnel, appointed by the Governor.
- (n) One representative of a private school approved for special education, appointed by the Governor.
- (o) One representative of a public charter school, appointed by the Governor
- (p) One individual representing children with disabilities who are home schooled.
- (q) One representative from the Department of Corrections and one representative from a county correctional system, both of whom are responsible for providing or overseeing the provision of special education or special education and related services, appointed by the Governor.
- (r) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)
- (s) A representative from the state child welfare agency responsible for foster care.
- (t) Parents of children/students with disabilities, appointed by the Governor. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities.

A simple majority of the members of the committee shall be parents of children/students with disabilities (ages birth through 26) or individuals with disabilities.

Ex-officio members may be appointed to assist and support the work of the State Advisory Committee.

### Tenure of Members

Committee members shall be appointed to staggered 2-year terms. Committee members shall have all voting rights and privileges granted by their appointment.

As vacancies occur, the Membership Committee will solicit recommendations for individuals to fill the open position(s), and forward the information to the Governor's office for action, except where appointments of representatives are made by the NH Legislature.

## Duties of the State Advisory Committee

The committee is charged by law to:

- (a) advise the department of education regarding unmet needs within the state in the education of children/students with disabilities;
- (b) provide an annual report to the Governor and the state legislature on the status of education of students with disabilities in New Hampshire;
- (c) comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children/students with disabilities;
- (d) assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under the Individuals with Disabilities Education Act;
- (e) advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports; and
- (f) advise the Department of Education in developing and implementing policies relating to the coordination of services for children/students with disabilities;

## Operating Procedures

The committee operates under Robert's Rules of Order . Meetings are held monthly from September through June, with additional meetings at the call of the chair, as necessary. Meetings will be held in accessible facilities.

A chairperson is selected by a majority of the committee members for a term of one year. The chairperson shall preside at all meetings, plan and organize meetings, prepare agenda, review minutes, assist in preparing required documents, and sign all official documents on behalf of the State Advisory Committee. A vice-chairperson may be appointed by the chairperson, to assist the chair and serve as chair in the absence of the chairperson.

Below are examples of items commonly included on State Advisory Committee agendas:

- welcome and introductions;
- approval of minutes of the previous meeting;
- announcements;
- report from Special Education Director, DOE staff, and/or invited presenters
- committee reports;
- actions items (i.e., comment on proposed regulations);
- report on collaborative activities between SAC and DOE (i.e., forums);
- overview of materials/handouts;
- old/new business;
- future agenda items or speaker(s) for next meeting;
- date for next meeting
- public comment

Committees/subcommittees may be established, as needed, to carry out the work of the State Advisory Committee. Committees may include SAC members, ex-officio members, and other individuals who can contribute to the work of the committee. Each committee will be chaired by a member of SAC. Committees will report on their work, recommendations, and/or conclusions at the next regularly scheduled meeting of the full SAC.

The State Advisory Committee conducts a retreat in September of each year to review the accomplishments of the previous year, highlight unresolved issues from the previous year, discuss and develop priorities for the coming year, and appoint committees to carry out the work of the full committee. A schedule of proposed meeting dates is developed for planning purposes. The retreat is also an opportunity to provide an orientation for new members.

Administrative support is provided to the State Advisory Committee by the NH Department of Education. Minutes of each SAC meeting are prepared and published in accordance with timeliness under state law. The agenda and minutes will be sent to all SAC members one week in advance of the meeting. Minutes and agendas may be sent electronically and/or by mail. Minutes are approved by the chairperson and the SAC prior to publication on the DOE's website. SAC minutes are available to the public. Department of Education staff will assist in organizing Sac meetings, take and prepare minutes for review and distribution, notify members of meeting times and locations, disseminate minutes and other official documents to members, and carry out other duties necessary for the efficient operation of the committee.

Each year, the State Advisory Committee will submit a report outlining the activities and recommendations/conclusions of the committee during the previous year (September through June). The report outlines advice to the state on the priority areas that were addressed by SAC during the year, activities undertaken by SAC, recommendations, areas of need which are viewed as priorities in the education of children with disabilities, membership and attendance.

All State Advisory Committee meetings are open to the public and agenda items must be publicly announced prior to the meeting. Interpreters and other necessary services must be provided at SAC meetings for members or participants.

State Advisory Committee members serve without compensation, but the Department of Education must reimburse the members for reasonable and necessary expenses for attending meetings, such as travel reimbursement.

### References

1. State Special Education Advisory Panels Under the Individuals with Disabilities Education Act (IDEA) Public Information Guide, 2003, Mountain Plains Regional Resource Center, 1780 N. Research Parkway, Logan, UT 84341  
[www.usu.edu/mprrc](http://www.usu.edu/mprrc)

2. RSA 186-C:3-B Advisory Committee; Purpose: Membership: Terms: Duties: Meetings. Source 1994, 114.1; 1995, 310:149, eff. Nov. 1, 1995; 1998, 201:1, eff. June 18, 1998; 2001, 286:19 eff. Sept. 14, 2001.

South Dakota Special Education Advisory Panel Under the Individuals with Disabilities Education Act Part B By-Laws and Operating Procedures, 2003, S.D. Department of Education and Cultural Affairs.

**Timeliness of evaluations for 2006-2007 (APR Indicator # 11)** *Number of special education evaluations reported completed with an extension and not found eligible:*

SAU	District	number	
2	Interlakes	2	
4	Newfound	7	
8	Concord	2	
11	Dover	3	
14	Epping	4	
16	Stratham	2	
16	Newfields	1	
18	Franklin-Hill	9	
19	Goffstown	14	
19	New Boston	7	
20	Errol	1	
21	Winnacunnet	1	
23	Haverhill	3	
24	John Stark	1	
24	Weare	3	
26	Merrimack	4	
29	Nelson	1	
29	Keene	2	
30	Laconia	4	
35	Bethlehem	3	
35	Lafayette	1	
39	Amherst	7	
39	Mount Vernon	1	
46	Merrimack Valley	5	
48	Rumney	1	
49	Governor Wentworth	2	
50	Greenland	1	
50	Newington	1	
50	Rye	1	
51	Pittsfield	6	
52	Portsmouth	5	
54	Rochester	5	
55	Hampstead	2	
56	Somersworth/Rolls	7	
57	Salem	10	
66	Hopkinton	1	
67	Bow	1	
73	Gilford	2	
74	Barrington	4	
83	Freemont	1	
88	Lebanon	2	
301	Prospect Mt.	1	
Total.....		141	= 41 Districts reported



October 1, 2008

Tricia Swonger, Chair  
Advisory Committee on the Education of  
Children/Students with Disabilities (SAC)  
Concord, NH

Dear Ms. Swonger:

As a follow up to the information the Bureau provided to your committee recently (see letter of May 13, 2008), please find attached a breakdown of the 141 evaluations by district.

Sincerely,

Robert Wells, Consultant  
Bureau of Special Education  
NHDOE